



June 6, 2012

Via Electronic Mail

Kris Jensen (jensen.kris@epa.gov)
Water Quality Unit (8EPR-EP)
Environmental Protection Agency, Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Re: Kanab Creek and tributaries – 2008 and 2010 Utah 303(d) lists
77 Fed. Reg. 27770 (May 11, 2012) (Clean Water Act Section 303(d): Availability of List
Decisions)

Dear Ms. Jensen:

The Southern Utah Wilderness Alliance (SUWA) submits this letter in support of the Environmental Protection Agency's (EPA's) decision to include Kanab Creek and its tributaries on the state of Utah's 303(d) list.

As you know, monitored data compiled by the Utah Division of Oil, Gas and Mining (UDOGM) on a quarterly basis since 2005 demonstrates numerous, repeated exceedances of TDS (1200 mg/L).¹ The monitoring effort was undertaken as part of Alton Coal Development's efforts to secure and maintain a permit from UDOGM to mine coal at the Coal Hollow Mine in Kane County, Utah. Alton Coal Development continues to submit quarterly reports to UDOGM and those reports show additional exceedances. This information has been confirmed and is not disputed by the Utah Division of Water Quality.

¹ This data can be reviewed at the UDOGM website (<http://linux1.ogm.utah.gov/WebStuff/wwwroot/division/tabs.html>) using these instructions: Click on the Coal Program icon (hard hat and pick); click on the Hydrology tab (second to right); click on the "MINES and SITES" tab directly under the Water Quality Database heading; click on the number 92 in the fourth column of the Coal Hollow mine; you will see a list of all the monitoring stations (they are not separated by ground water versus surface water or alphabetical); then scroll down to the monitoring site you are interested in. For example, select SW-5. Click on "Site Analysis." You will see a list of parameters. Scroll down to the parameter of interest. For example, Total Dissolved Solids @ 180 C(68) (the notes refer to specific test methods and lab protocols). Click on "Values." You should see a table of Sample Dates and corresponding TDS values (in mg/l). To go to another parameter for SW-5, use the back arrow on your browser. (Discharge is listed as "Flow"). To go to another monitoring station, use the back arrow on your browser again.

In a recently released draft environmental impact statement regarding Alton Coal Development's nomination of federal lands for a coal lease that are adjacent to the company's private land mine, the Bureau of Land Management acknowledged that "[t]he primary pollutant that could pose a concern to Kanab Creek is TDS, because current concentrations of TDS in surface water in and around the tract already exceed the standard of 1,200 mg/L identified by the State of Utah as protective of irrigation water. Water quality data in and around the tract indicate that TDS concentrations are highest under low flow conditions." Draft Environmental Impact Statement, Alton Coal Tract Lease Application, Bureau of Land Management, Kanab field office (Nov. 2011), at DEIS 4-125. The DEIS is available online at http://www.blm.gov/ut/st/en/prog/energy/coal/alton_coal_project/alton_coal_eis.html.

Taken together, this information supports EPA's decision to list Kanab Creek and its tributaries on the state of Utah's 303(d) list.

Further, in 2011 UDOGM issued two Notices of Violation (NOVs) to Alton Coal Development regarding the company's failure to design, construct, and maintain appropriate sediment control measures that resulted in sediment entering Lower Robinson Creek and damaging the hydrologic balance of the area and discharging water from a non-UPDES permitted outfall into the Lower Robinson Creek channel. These NOVs were upheld by the UDOGM Director. A copy of the 2011 NOVs is attached hereto. Also, in 2012, the Utah Division of Water Quality also noted a series of violation in Alton Coal Development's operations. A copy of the 2012 Compliance Evaluation Inspection Reports is attached hereto.

If you have any questions about his matter, please feel free to contact me at the address or phone number listed below.

Sincerely,

/s/

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